

## **REMARKS**

Applicant is in receipt of the Office Action mailed February 28, 2005. The subject matter of claim 99 has been included in claim 89, and the subject matter of claim 116 has been incorporated into claim 106. Accordingly, Applicant cancels claims 99 and 116. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Claim Objections**

Claims 90-92, 95-99, 101-102, 107-109, 111-116, and 118-119 were objected to because of various informalities.

Applicant has amended various of the claims to more fully and completely claim Applicant's invention recited therein. Applicant respectfully submits that the objections to various formalities have been overcome, and Applicant respectfully submits that claims 89-98, 100-115, 117-123 are allowable.

### **§112 Rejections**

Claims 95, 101, 105, 112, 118, and 122 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As note above, Applicant has amended various of the claims to more fully and completely claim Applicant's invention recited therein. Applicant respectfully submits that claims 89-98, 100-115, 117-123 are allowable.

Removal of the §112 rejections is respectfully requested.

### **§102 Rejections**

Claims 89-95, 100, 101, 103-112, 117, 118, and 120-122 were rejected under 35 U.S.C. 102(e) as being anticipated by Marimoto (U.S. Patent No. 6,247,013).

Applicant respectfully submits that Marimoto neither teaches nor suggests ". . . displaying a first GUI element for a graphical program on a display of a first

computer system, wherein the graphical program comprises a plurality of interconnected nodes which visually indicate functionality of the graphical program. . . . (emphasis added)” as currently recited by claim 89.

Applicant respectfully notes “An ‘anticipating’ reference must describe all of the elements and limitations of the claim in a single reference, and enable one of skill in the field of the invention to make and use the claimed invention. *Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.*, 246 F.3d 1368, 1378-79 (Fed. Cir. 2001); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989).” *In re Merck & Co., Inc. v. Teva Pharm. USA, Inc.*, 347 F.3d 1367, 1372 (Fed. Cir. 2003).

Thus, Applicant respectfully submits that claim 89 is patentably distinguished over Marimoto. Accordingly, Applicant respectfully submits that, at least for the reasons presented, claim 89 and those dependent therefrom are allowable.

Each of claims 105, 106, and 122 includes features similar to claim 89, and so, the arguments presented above apply with equal force to each of claims 105, 106, and 122, as well. Thus, Applicant respectfully submits that each of claims 105, 106, and 122 is patentably distinguished over Marimoto. Accordingly, Applicant respectfully submits that, at least for the reasons presented, claims 105, 106, and 122, and those respectively dependent therefrom, are allowable.

Claims 89, 96-99, 106 and 113-116 were rejected under 35 U.S.C. 102(b) as being anticipated by Semenzato (U.S Patent No. 5,903,728).

Applicant respectfully submits that Semenzato neither teaches nor suggests “. . . displaying a first GUI element for a graphical program on a display of a first computer system, wherein the graphical program comprises a plurality of interconnected nodes which visually indicate functionality of the graphical program. . . . (emphasis added)” as currently recited by claim 89.

Thus, Applicant respectfully submits that claim 89 is patentably distinguished over Semenzato. Accordingly, Applicant respectfully submits that, at least for the reasons presented, claim 89 and those dependent therefrom are allowable.

Each of claims 105, 106, and 122 includes features similar to claim 89, and so, the arguments presented above apply with equal force to each of claims 105, 106, and 122, as well. Thus, Applicant respectfully submits that each of claims 105, 106, and 122 is patentably distinguished over Semenzato. Accordingly, Applicant respectfully submits that, at least for the reasons presented, claims 105, 106, and 122, and those respectively dependent therefrom, are allowable.

Removal of the §102 rejections is respectfully requested. Applicant also respectfully submits that the independent claims are nonobvious and are allowable as well based on the arguments above.

### **§103 Rejections**

Claims 102-104 and 119-121 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto and Goldberg et al. (U.S. Patent No. 5,692,213, hereinafter “Goldberg”).

The Office Action cites various of the dependent claims as being rejected under 35 U.S.C. 103. Various of the independent claims have been amended to overcome rejections under 35 U.S.C. 102. Applicant also respectfully submits that various of the independent claims are nonobvious and are allowable, as well. Applicant respectfully submits: “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)” as stated in the MPEP §2143.03. Accordingly, Applicant respectfully submits that claims 89-98, 100-115, 117-123 are nonobvious and allowable.

Removal of the §103 rejections is respectfully requested.

## CONCLUSION


Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-47600/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$        for fees (        ).
- ☐ Other:

Respectfully submitted,

  
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Jeffrey C. Hood  
Reg. No. 35,198  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
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